

March 30, 2020

**VIA ECF**

The Honorable Lorna G Schofield  
United States District Court for the Southern District of New York  
40 Foley Square  
New York, NY 10007

*Jane Doe, et al. v. Trump Corp., et al., 1:18-cv-9936 (LGS)*

Dear Judge Schofield:

We write on behalf of both parties, pursuant to the Court's Order dated March 13, 2020 (Doc. No. 198) and further to our joint letter dated March 27, 2020 (Doc. No. 209), to update the Court on the status of our discussions with respect to Plaintiffs' requests for electronically stored information from Defendants for the period from January 1, 2005 to October 29, 2013. As of March 27, 2020, the parties had reached agreement with respect to custodians and search terms for that time period, but were continuing to meet and confer concerning responsiveness criteria (see Doc. No. 209). We are pleased to report that the parties have now reached agreement on that issue. More specifically, Defendants have agreed to produce documents responsive to the agreed search terms and relevant to any of the following issues:

1. Transactions or agreements between Defendants and ACN (and their respective affiliates, agents, and representatives);
2. Defendants' involvement in the creation, communication, or dissemination of the Message, including through print materials, online materials, video recordings, appearances at events, or approvals for the use of Defendants' brand or likeness, or in connection with ACN's appearances on *The Celebrity Apprentice*;
3. The truth or falsity of the Message, including internal or external communications; and
4. All information available to Defendants relating to ACN or its goods, services, or business opportunity, including but not limited to in connection with any due diligence.

Having reached agreement on that issue, the parties are not aware of any present discovery disputes that we wish to raise with the Court during the telephone conference scheduled for April 1.<sup>1</sup> We will, however, make ourselves available for the conference should the Court wish to go forward. And, pursuant to the Court's March 13 Order, we will file a joint letter today providing a telephone call-in number and passcode for such conference, unless the Court advises otherwise.

The parties thank the Court for its attention to this matter.

Respectfully submitted,

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<sup>1</sup> As noted in our March 27 letter (Doc. No. 209), Defendants have agreed to provide Plaintiffs with certain information relating to archival storage and are investigating the availability of certain organizational information. Pending the provision of such information, there are no ripe disputes between the parties relating to these issues at present.

/s/ Roberta A. Kaplan

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